

MONTANA LEGISLATIVE HISTORY

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Chapter 454 19 87

Bill H 825 S _____ Original bill & history ✓C

H. Committee on Human Services Aging S. Committee on Public Health, Welfare

Hearing Date(s) 2-19 _____ C Hearing Date(s) 3-25 _____ C

_____ C _____ C

_____ C _____ C

_____ C _____ C

Date Out 3-25 _____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

3/23	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/26	2ND READING AMENDMENTS CONCURRED	95	1
3/27	3RD READING AMENDMENTS CONCURRED	85	4
4/01	SIGNED BY SPEAKER		
4/02	SIGNED BY PRESIDENT		
4/02	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 384 EFFECTIVE DATE: 10/01/87		
HB 824 INTRODUCED BY MCCORMICK, ET AL.			
	ESTABLISH FIREARM MISUSE TAX ACT; CREATE HIGHWAY CRIMESTOPPER BOARD AND PROGRAM		
2/18	INTRODUCED		
2/18	REFERRED TO JUDICIARY		
2/19	FISCAL NOTE REQUESTED		
2/20	HEARING		
2/20	TABLED IN COMMITTEE		
2/24	FISCAL NOTE RECEIVED		
HB 825 INTRODUCED BY MCCORMICK, ET AL.			
	SUBROGATE THE RIGHT OF DEPARTMENT OF SOCIAL & REHABILITATION SERVICES TO REPAYMENT OF INTERIM GENERAL RELIEF ASSISTANCE PROVIDED TO PERSONS WHO BECOME ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME BENEFITS; ALLOW DEPARTMENT TO CONTRACT FOR CERTAIN LEGAL SERVICES		
2/18	INTRODUCED		
2/18	REFERRED TO HUMAN SERVICES & AGING		
2/19	HEARING		
2/19	FISCAL NOTE REQUESTED		
2/19	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	91	0
2/23	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/24	FISCAL NOTE RECEIVED		
3/02	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/23	HEARING		
3/25	COMMITTEE REPORT--BILL CONCURRED		
3/31	2ND READING CONCURRED	50	0
4/01	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/06	TRANSMITTED TO GOVERNOR		
4/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 456 EFFECTIVE DATE: 7/01/87		
HB 826 INTRODUCED BY KEENAN, ET AL.			
	IMPOSING A TAX ON THE TRANSFER OF REALTY; PROVIDING FOR DISTRIBUTION OF TAX		
2/18	INTRODUCED		
2/18	REFERRED TO TAXATION		
2/19	FISCAL NOTE REQUESTED		
2/23	FISCAL NOTE RECEIVED		
3/05	HEARING		

HOUSE BILL NO. 825

INTRODUCED BY MCCORMICK, PISTORIA

IN THE HOUSE

FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 19, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1987	PRINTING REPORT.
FEBRUARY 21, 1987	SECOND READING, DO PASS.
FEBRUARY 23, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 98; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
MARCH 25, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 28, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 31, 1987	SECOND READING, CONCURRED IN.
APRIL 1, 1987	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 1, 1987	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

1 House BILL NO. 825
2 INTRODUCED BY Michael Astoria
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBROGATING THE RIGHT
5 OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO
6 REPAYMENT OF INTERIM GENERAL RELIEF ASSISTANCE PROVIDED TO
7 PERSONS WHO BECOME ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME
8 BENEFITS; PROHIBITING THE DEPARTMENT FROM CONTRACTING FOR
9 CERTAIN LEGAL SERVICES TO GENERAL RELIEF RECIPIENTS;
10 AMENDING SECTION 53-3-207, MCA; AND PROVIDING AN EFFECTIVE
11 DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 53-3-207, MCA, is amended to read:

15 "53-3-207. Application for other state and federal
16 programs -- interim relief -- subrogation of department to
17 receipt of federal payments. (1) General relief is available
18 to a recipient to the extent such relief is not duplicative
19 of resources or benefits reasonably available to the
20 recipient.

21 (2) If other federal or state programs of assistance
22 are reasonably available to meet the needs of a household,
23 an applicant must apply for those programs before general
24 relief may be provided. A household may be provided general
25 relief after initial application for other programs of

1 assistance. If denied such other assistance, the applicant
2 must pursue available administrative appeals for those
3 programs to the final administrative appeal level. If the
4 applicant becomes eligible for other assistance covering the
5 same period of time that interim general relief is provided,
6 such interim relief must be repaid to the department or
7 offset from lump sums or retroactive payments from other
8 programs of assistance.

9 (3) To the extent necessary for repayment of interim
10 general relief provided to an applicant, the department is
11 subrogated to the right of an attorney to recover from the
12 federal government the costs of providing the applicant
13 legal assistance in obtaining eligibility for supplemental
14 security income under Title XVI of the Social Security Act.

15 NEW SECTION. Section 2. Prohibited contracts. The
16 department of social and rehabilitation services may not
17 contract with any agency, organization, or person to provide
18 general relief recipients legal assistance in obtaining
19 supplemental security income benefits from the federal
20 government.

21 NEW SECTION. Section 3. Extension of authority. Any
22 existing authority of the department of social and
23 rehabilitation services to make rules on the subject of the
24 provisions of this act is extended to the provisions of this
25 act.

LC 0507/01

1 Section 4. Codification instruction. Section 2 is
2 intended to be codified as an integral part of Title 53,
3 chapter 3, part 2, and the provisions of Title 53, chapter
4 3, part 2, apply to section 2.

5 NEW SECTION. Section 5. Effective date. This act is
6 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB825, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act subrogating the right of the Department of Social and Rehabilitation Services to repayment of interim general relief assistance provided to persons who become eligible for Supplemental Security Income (SSI) benefits; prohibiting the Department from contracting for certain legal services to general relief recipients; amending section 53-3-207, MCA; and providing an effective date.

ASSUMPTIONS:

1. The proposed legislation will have the immediate fiscal impact of reducing operating expenses in the budget of the Department of Social and Rehabilitation Services by \$50,000 each year.
2. The expenditure level is drawn from the executive budget request.
3. Long-term general assistance and state medical costs could outstrip initial expenditure reductions (see long-term effects).

FISCAL IMPACT:

Expenditures:

	<u>FY88/89</u>	
	<u>Current Law</u>	<u>Proposed Law</u>
Contracted Services	\$50,000	\$ 0

Funding:

General Fund	\$50,000	\$ 0
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<u>Net impact to general fund:</u>		\$ 50,000
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LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

If general assistance clients who are currently served under the existing SRS contract to aid them in obtaining federal disability income and medical benefits were to retain private legal counsel for the same services, this bill would produce a net general fund savings of \$50,000 each year of the biennium. However, if such GA clients were unaware of, or unable to obtain private legal counsel to aid them in obtaining such benefits, costs to the general fund could increase by \$262,500 in general assistance benefits over the biennium. This estimate does not include the cost of state medical benefits that SSI-related GA recipients could incur also. The estimated savings of \$262,500 is carried forward from projected savings of the existing contract activities from the beginning of FY86 to February 10, 1987.

David L. Hunter DATE 3/24/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Mac McCormick DATE _____
MAC MCCORMICK, PRIMARY SPONSOR

Fiscal Note for HB825, as introduced.

HB 825

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The seventeenth meeting of the Human Services and Aging Committee was called to order by Chairman R. Budd Gould at 12:30 p.m. on February 19, 1987 in Room 312-D of the State Capitol.

ROLL CALL: The roll call was read with all members present except Rep. Jack Sands.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 35:

REP. JAN BROWN, House District No. 46, sponsor of the resolution, was requested by a constituent in Helena to carry the resolution that would name the SRS building after Ted Carkulis. She asked the committee to table the resolution because the chairman brought to her attention that the SRS building ought to be named Social and Rehabilitative Services so people would know where they were going and attach somebody's name to it. She also had a letter from the Association of County Directors which stated the association would rather that a plaque be placed in the SRS building with the names of the directors.

CHAIRMAN GOULD explained that buildings like the Mitchell Building that houses the Department of Revenue, Department of Administration and so forth could stand a person's name, but when people are looking for the rehabilitative and social service areas, they should not be confused with a name looking for it.

REP. NELSON moved to table the resolution; the motion CARRIED unanimously.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 33:

REP. STELLA JEAN HANSEN, House District No. , sponsor of the resolution stated the resolution asks the Senate and House of Representatives to urge Congress to develop a national health care system. She commented it was not asking for a complete socialized medicine but asking that some of this cost containment medicare assignment and so forth be put into a national system to avoid some of the problems that are not able to be addressed in the session of the legislature. The U.S. Congress is urged to develop a fair and stable comprehensive and consistent health care system to bring needed health care services to all people of the U.S. She stated whether the resolution is passed today or not, this is coming fast because of the problems we have had in

reduced their health care? REP. HANSEN replied she didn't have statistics but has been told that businesses have dropped health care plans and there are people out of work that were on health care plans.

REP. SIMON commented Rep. Hansen stated the resolution should not be misinterpreted as putting a stamp of approval on socialized medicine. He said his first reaction was they were talking about almost a socialized medicine kind of plan. He asked how they could explain to Congress when the resolution was sent to them that we really don't mean a socialized medicine plan when this nearly says we want a comprehensive socialized medicine in this country? REP. HANSEN thought what we have right now, health plans, socialized medicine is what medicare and medicaid really is. REP. SIMON said medicare does not cover all of the people and it is not comprehensive to all of the people. The resolution comes down to saying to Congress to develop a socialized medicine.

REP. RUSSELL added, on page 2, lines 1 through 3, that it may not be affecting Montana but he understood a lot of people are put on less than 40 hours just so companies don't have to pay benefits. He didn't know that there were statistics to back that up, but it is happening throughout the country.

CONSIDERATION ON HOUSE BILL NO. 825:

REP. MC CORMICK, House District No. , sponsor of HB No. 825, stated he introduced the bill for the society for social justice in Great Falls and the main crux of the bill was that they represent people on relief rolls and they try to get them social security. If they win the case, the person on relief will get all his back pay. There is a law that says if a person is taken off relief and put on social security and get back pay, the attorney or whoever helped the person get the social security cannot take any of the money awarded. It does say in the social security law that SRS is responsible to pay the persons representing an individual to get them off the relief rolls. That is what this bill does.

PROPOSERS:

There were none.

OPPOSERS:

NEIL HAIGHT, Montana Legal Services Association Representative, stated they were the ones that have contracted with

Human Services and
Aging Committee
February 19, 1987
Page Four

SRS to represent general assistance recipients in SSI disability claims. The object is to get these people off the general assistance rolls. As of now, since the program started, they had 432 referrals, 16 cases were closed with 105 that were successful and 7 lost. Some clients moved or decided to go to private counsel; there are 24 of those. He said it has been a very successful program and figured they were saving the state \$2,500 in the first year for every successful case. Mr. Haight stated he had spoke to Mr. Lewis of the Society for Social Justice and he had some concerns that they had the contract and the Society hadn't had a chance to bid on it and so forth. Mr. Haight stated he understood that concern and thought at that time, things were fairly well settled that the cases Mr. Lewis was interested in were the social security cases. This is where on a successful case, the social security administration retains 25 percent of any back award. They don't necessarily award the full 25 percent. They determine an attorney's fee that's properly payable and then will take that money out of that 25 percent and pay it to the attorney, and in the case of Mr. Lewis, they would pay it to him. The cases MT Legal Services represent, 90 or 95 percent of them are SSI cases in which the social security administration does not withhold any payment. If the SSI case is successful and there is a back award, that payment goes to the client. They do withhold county general assistance that has been paid to that client during the pendency of that claim. The rest is paid over to the client. At a later time, the attorney's fee is determined and by time he can bill the client, the client probably has none of that money. Consequently the collection of attorney's fees on SSI cases as opposed to SSA is fairly rare. Under these circumstances, the private bar does not particularly care to handle SSI cases. SRS has contracted to have this job done at a maximum payment of \$390 per case. A lot of cases average around \$175 per case.

Mr. Haight didn't understand exactly why Mr. Lewis can't collect the fee from the client if he can get it. SRS can't pay him because he is not under contract. If this should go out for bid, they would have no objection to that. They are operating under a current contract. SRS just learned of this and are still working up a fiscal note on the benefits of the contract they are working under. Mr. Haight felt once SRS becomes acquainted with the situation they will not want to be precluded from contracting with somebody wanting to represent these people on general assistance

Human Services and
Aging Committee
February 19, 1987
Page Five

because there are a great many who should be on SSI and everyone on SSI saves the state that many dollars.

REP. MC CORMICK closed by saying that the Society for Social Justices was going to be at the hearing but there wasn't a hearing so they are the ones that filed the case in federal court in Billings and the judge ruled that Social Security did have money to pay these people that represent the people that need them to get them off relief and onto social security.

QUESTIONS FROM THE COMMITTEE:

REP. CODY commented on page 2, lines 15 through 20, says in a new section that the department's services may not contract with any agency, organization or person to provide legal assistance. Why would they want that in a bill?

REP. MC CORMICK responded that Art Lewis, Head of Social Services in Great Falls, wanted to bid to do this last May and was told he could. Then he recieved a letter saying the bid had been let for this year to Legal Services. Mr. Lewis felt the bid should be let statewide for anyone wanting to bid on it. During a State Administration Committee hearing, Mr. Lewis's men testified that they had got 40 people off the rolls in the 55 counties and that social services, which represents Cascade County had 26 off. That is why they were arguing that they should have a chance to bid on this.

REP. CODY asked if that shouldn't be in there then, that it actually should be just the opposite and the bids should be opened to anyone in the state. REP. MC CORMICK replied either that or it should go out on a statewide bid.

EXECUTIVE SESSION:

ACTION ON HOUSE JOINT RESOLUTION NO. 33 :

REP. HANSEN moved that HJR No. 33 DO PASS. She believed the resolution in the Business and Labor Committee asked the Congress to address the mandatory medicare assignment.

REP. KITSELMAN stated the bill deals with the problems with senior citizens, realizing there are problems and asks the federal government to address those issues. He stated that HB No. 415 alluded to earlier, didn't take into account the ability of people to pay and where you have a general health insurance program for those who do have \$100,000 or even

Human Services and
Aging Committee
February 19, 1987
Page Six

\$10,000 in the bank, whereas a lot of young people do not today. If the problem is going to be addressed, it should be aimed at all levels and all abilities to take care of those that can.

REP. GILBERT agreed with Rep. Simon that the meat of the whole resolution is on lines 7 through 10 on page 2. What is being talked about is a comprehensive plan for all Americans regardless of their income. All Americans would be covered by a comprehensive all encompassing health plan. He thought Rep. Hansen's concern was for those who cannot afford the care and sympathized with that but felt this would go too far. He moved to DO NOT PASS HJR 33.

REP. HANSEN stated if it is a comprehensive health care plan for everyone and if you want to call it socialized medicine, then that's what it is but that's the only way to get everybody that needs it into the system. She made a substitute motion to table the bill.

CHAIRMAN GOULD stated the motion was nondebatable. The motion carried with two opposing votes.

ACTION ON HOUSE BILL NO. 825:

REP. MC CORMICK thought Section 2 should be amended to add that SRS can contract with any agency or organization. He moved that HB No. 825 DO PASS AS AMENDED.

LEE HEIMAN believed the amendment struck "not" on page 2, line 16 and "or person" on line 17, so the section would read "department of social and rehabilitation services may contract with any agency or organization to provide recipients legal assistance in obtaining supplemental security income benefits from the federal government".

REP. GILBERT felt the amendment was discriminatory when talking about contracting with an agency or organization because it excluded a person; the independent lawyer who operated out of a one room office would be forbidden to contract. REP. MC CORMICK stated to leave "or person" in and just take out the "not". The question was called on the amendment; the motion CARRIED. REP. MC CORMICK moved DO PASS AS AMENDED.

REP. HANSEN moved that "PROHIBITING" be stricken from the title on line 8. The motion CARRIED. REP. MC CORMICK moved DO PASS AS AMENDED.

Human Services and
Aging Committee
February 19, 1987
Page Seven

REP. GILBERT stated Lee Heiman would have to take care of the technical amendments to allow the bill to read correctly.

The question was called; the motion CARRIED with 9 favorable and 8 opposing votes.

The meeting adjourned at 1:15 p.m.



CHAIRMAN R. BUDD GOULD

DAILY ROLL CALL

ELDER SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEB 19 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	✓		
REP. BOB GILBERT, VICE CHAIRMAN	✓		
REP. JAN BROWN	✓		
REP DUANE COMPTON	✓		
REP. DOROTHY CODY	✓		
REP. DICK CORNE'	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. LES KITSELMAN	✓		
REP. LLOYD MC CORMICK	✓		
REP. RICHARD NELSON	✓		
REP. JOHN PATTERSON	✓		
REP. ANGELA RUSSELL	✓		
REP. JACK SANDS			
REP. BRUCE SIMON	✓		
REP. CAROLYN SQUIRES	✓		
REP. TONIA STRATFORD	✓		
REP. BILL STRIZICH	✓		

STANDING COMMITTEE REPORT

FEBRUARY 19,

19 37

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 825

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

REP. R. RUDD MOULD,

Chairman

**DELEGATE RIGHT OF STS TO REPAYMENT OF CA BENEFITS OUT OF SSI LUMP SUM
AWARD**

1. Title, line 8.

Strike: "PROHIBITING"

Insert: "ALLOWING"

Strike: "FROM CONTRACTING"

Insert: "TO CONTRACT"

2. Page 2, line 15.

Strike: "Prohibited"

Insert: "Legal assistance"

3. Page 2, line 16.

Strike: "not"

FIRST

reading copy (WHITE)
color

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE FEB. 19, 1987 BILL NO. HB # 825 NUMBER 2

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN		✓
REP. BOB GILBERT, VICE CHAIRMAN		✓
REP. JAN BROWN	✓	
REP. DUANE COMPTON	✓	
REP. DOROTHY CODY	✓	
REP. DICK CORNE'		✓
REP. LARRY GRINDE		✓
REP. STELLA JEAN HANSEN	✓	
REP. LES KITSELMAN		✓
REP. LLOYD MC CORMICK	✓	
REP. RICHARD NELSON		✓
REP. JOHN PATTERSON	✓	
REP. ANGELA RUSSELL	✓	
REP. JACK SANDS	-	-
REP. BRUCE SIMON		✓
REP. CAROLYN SQUIRES	✓	
REP. TONIA STRATFORD		✓
REP. BILL STRIZICH	✓	

TALLY

9 8

Shirley C. Harris
Secretary

Budd Gould
Chairman

MOTION: REP. MC CORMICK moved DO PASS AS AMENDED

motion CARRIED with 9 favorable and 8 opposing votes.

VISITORS' REGISTER

HUMAN SERVICES AND AGING

COMMITTEE

BILL NO. HOUSE BILL NO. 825

DATE FEBRUARY 19, 1987

SPONSOR REP. MC CORMICK

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Neil Haight	Helena		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 25, 1987

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Dorothy Eck on March 25, 1987, in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present, except Darryl Meyer.

ACTION ON H.B. 428: Sen. Hims1 moved that H.B. 428 BE CONCURRED IN. The vote on H.B. 428 was unanimous. Senator Jack Haffey will be asked to carry.

ACTION ON H.B. 690: Sen. Hims1 moved that H.B. 690 BE CONCURRED IN. The vote on H.B. 690 was unanimous. Sen. Hims1 will carry.

ACTION ON H.B. 327: Karen Renne reintroduced the amendments to H.B. 327 and explained that the amendment clarifys for the coroner that the parents CAN object to an autopsy, if a physician certifies that SIDS was the cause of death of an infant.

Sen. Hager: Can a doctor absolutely determine if SIDS is the cause of death?

Sen. Norman: If a coroner feels that he should order an autopsy, then the doctor would have some explaining to do. If the coroner believes the death should be examined, he will order an autopsy no matter what anyone says.

Sen. Williams: Who will bear the costs of the autopsy?

Sen Eck: The federal goverenmt or the state. I also don't see where this bill absolutely orders an autopsy.

Sen. Norman: A coroner has the authority to order an autopsy on anyone who dies in Montana, by this bill and others, if he cites evidence that this should be done.

Sen. Jacobson: The amendment is largely redundant. It just changes the language somewhat.

Karen Renne: It does tell the coroner that he has to make certain statements to the parents and it spells out the coroner's duties.

Sen. Jacobson moved that the amendments DO PASS; the amendments passed unanimously. Sen. Jacobson moved that H.B. 327 BE CONCURRED IN AS AMENDED. The vote was unanimous. Sen. VanValkenberg will carry the bill.

ACTION ON HJR 37: Karen Renne explained that the first amendment removes a factual error in the bill by striking lines 16-18, Page 1, in their entirety. Sen. Jacobson moved that the amendment DO PASS. The vote was unanimous.

Sen. Jacobson moved to delete lines 23-25. Sen. Williams made the substitute motion of substituting the cost of care is "escalating", striking the rest of line 23, and leaving lines 24-25. The substitute amendment received a unanimous DO PASS. Sen Williams moved that HJR 37 BE CONCURRED IN AS AMENDED. The vote was unanimous and Senator Hager will carry.

CONSIDERATION OF HOUSE BILL NO. 825: Rep. Lloyd McCormick, District # 38, sponsor of H.B. 825, stated that the major purpose of the bill is to ensure

that SRS may contract for certain legal services for general relief recipients who may be eligible for SSI benefits and that the lawyers handling those cases may be reimbursed.

DISCUSSION ON H.B. 825: Sen. Himsl: I understand that there is an item in the SRS budget to pay for this now.

Rep. McCormick: SRS does have a contract with legal services to do that, but so many people don't know about this service through SRS and the Dept. of Legal Services. The bill is to help people to be more aware. This won't cost the state any money and conflict with any legal service contract; but the attorney will be assured of getting his fee.

Rep. McCormick closed by submitting a court case for payment of fees to an attorney. Example # 1.

ACTION ON H.B. 825: Sen. Hager moved that H.B. 825 BE CONCURRED IN. The vote was unanimous. Sen. Hager will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 571: Rep. Fritz Daily, District # 69, Sponsor of H.B. 571, stated that the reason for this bill, which raises the age of children whose welfare may be endangered from 16 to 18, is to control the problem that law enforcement officials have with people who provide alcohol to the 16-18 year-old group. The county attorney from Butte has requested the bill, and he will testify.

PROPOSERS: Bob McCarthy, County Attorney, Butte-Silverbow, stated that people over eighteen commit an offense if they supply intoxicating substances to persons less than eighteen, or if they induce them into prostitution. This bill addresses the adults; without this law, the courts are not winning cases involving unlawful transactions. This bill is intended to protect children.

Bob Butocovich, Butte-Silverbow Sheriff, testified that they have run into numerous cases trying to prove that juveniles have been involved in unlawful transactions with adults. Now the juvenile is charged and fined with illegal possession, while the adult gets off free. The bill's proponents hope to reduce juvenile drinking in the state.

DISCUSSION OF H.B. 571: Sen. Eck: will the twenty-one year old drinking age law affect this?

Bob McCarthy: We will probably want to expand the law to 18-20 year-olds as minors in possession. Then 18 to 20 year-olds could be charged with possessing and providing. We would want to have the expansion to attempt to make a case.

ACTION ON H.B. 571: Sen. Williams moved that H.B. 571 BE CONCURRED IN. The vote was unanimous. Sen. Jacobson will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 200: Rep. Joan Miles, District # 45, testified that the purpose of H.B. 200 is to clarify the duties of SRS in regard to child rehabilitation and to revise outdated language so that it concurs with more up-to-date SRS statutes. It also clarifies that SRS will provide services to eligible children.

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-25-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer			
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Tom Hager	X		
Matt Himsl	X		

Each day attach to minutes.

JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

NB 825
SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-25-87
BILL NO. 825

LYOYD E. BARTFORD,
Plaintiff,

vs.

YELLOWSTONE COUNTY, a
subdivision of the State of
Montana,

Defendant.

No. DV 85-2283

NOTICE OF ENTRY OF JUDGMENT

TO: YELLOWSTONE COUNTY, Defendant, and to DAVID W. HOEFER, its
attorney of record:

PLEASE TAKE NOTICE that a Judgment was entered in the above
action on the 25th day of September, 1986, a copy of which
Judgment is attached hereto and by this reference made a part
hereof.

The undersigned hereby certifies that the foregoing Notice
of Entry of Judgment was served upon the following individual by
mailing to his correct address this 25th day of September,
1986:

David W. Hoefer
Deputy County Attorney
Yellowstone County Attorney's Office
P. O. Box 35025
Billings, MT 59107

DATED this 27th day of September, 1986.

VERNON L. WOODWARD, P.C.
1643 15th Street West, Suite 311
P. O. Box 21177
Billings, MT 59104-1177

By: Vernon L. Woodward
Vernon L. Woodward
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

LLOYD E. HARTFORD,

Plaintiff,

-vs-

YELLOWSTONE COUNTY, a subdivision
of the State of Montana,

Defendant.

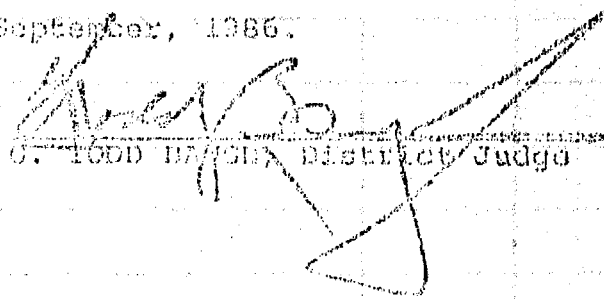
No. DV 85-2283

JUDGMENT

This action came before the Court on cross motions for summary judgment. The issues were briefed, a decision was rendered and it is hereby

ORDERED, ADJUDGED AND DECREED that the plaintiff, Lloyd E. Hartford, recover from the defendant, Yellowstone County, the sum of \$776.36, with interest thereon at the rate of ten percent per annum as provided by law. Plaintiff is also awarded his costs of action in the amount of \$40.00.

Dated this 2nd day of September, 1986.


G. TODD BUNCH, District Judge

cc: Vernon E. Reed and
David Hoole

RETURN OF SERVICE

Which is to certify that the following

plaintiff's motion for summary judgment

was filed with the court on

September 2, 1986.

Attest my hand and seal of office

this 2nd day of September, 1986.

G. Todd Bunch, District Judge

STANDING COMMITTEE REPORT

MARCH 25

87

19.....

MR. PRESIDENT

We, your committee on..... **SENATE PUBLIC HEALTH, WELFARE AND SAFETY**

having had under consideration..... **HOUSE BILL** No. **825**

THIRD reading copy (BLUE)
color

SUBROGATE RIGHT OF SRC TO REPAYMENT OF GA BENEFITS OUT OF SSI LUMP SUM AWARD
MCCORMICK (HAGER)

Respectfully report as follows: That..... **HOUSE BILL** No. **825**

BE CONCURRED IN

~~NO PASS~~

~~NO CONCURRENCE~~

.....
SENATOR BCK

Chairman.

HOUSE BILL NO. 825

INTRODUCED BY MCCORMICK, PISTORIA

A BILL FOR AN ACT ENTITLED: "AN ACT SUBROGATING THE RIGHT OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO REPAYMENT OF INTERIM GENERAL RELIEF ASSISTANCE PROVIDED TO PERSONS WHO BECOME ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME BENEFITS; PROHIBITING ALLOWING THE DEPARTMENT FROM CONTRACTING TO CONTRACT FOR CERTAIN LEGAL SERVICES TO GENERAL RELIEF RECIPIENTS; AMENDING SECTION 53-3-207, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-3-207, MCA, is amended to read:

"53-3-207. Application for other state and federal programs -- interim relief -- subrogation of department to receipt of federal payments. (1) General relief is available to a recipient to the extent such relief is not duplicative of resources or benefits reasonably available to the ~~recipient~~.

(2) If other federal or state programs of assistance are reasonably available to meet the needs of a household, an applicant must apply for those programs before general relief may be provided. A household may be provided general relief after initial application for other programs of

assistance. If denied such other assistance, the applicant must pursue available administrative appeals for those programs to the final administrative appeal level. If the applicant becomes eligible for other assistance covering the same period of time that interim general relief is provided, such interim relief must be repaid to the department or offset from lump sums or retroactive payments from other programs of assistance.

(3) To the extent necessary for repayment of interim general relief provided to an applicant, the department is subrogated to the right of an attorney to recover from the federal government the costs of providing the applicant legal assistance in obtaining eligibility for supplemental security income under Title XVI of the Social Security Act.

NEW SECTION. Section 2. Prohibited LEGAL ASSISTANCE contracts. The department of social and rehabilitation services may not contract with any agency, organization, or person to provide general relief recipients legal assistance in obtaining supplemental security income benefits from the federal government.

NEW SECTION. Section 3. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act.

1 NEW SECTION. Section 4. Codification instruction.
2 Section 2 is intended to be codified as an integral part of
3 Title 53, chapter 3, part 2, and the provisions of Title 53,
4 chapter 3, part 2, apply to section 2.
5 NEW SECTION. Section 5. Effective date. This act is
6 effective July 1, 1987.

-End-